IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.648 OF 2007
IN
SPECIAL CIVIL SUIT NO.63 OF 2007

Nagesh Vyankatraman Revankar .. Appellant
(Orig.Plaintiff)

Versus

1. Suvarna Bhausaheb Mane
and ors. .. Respondents
(Orig.Defendants)

Shri Prashant P. Kulkarni for the Appellant
Shri N.J. Patil for the Respondent No.1
Shri Dinesh W. Bhosale for the Respondent No.3

CORAM : S.R. SATHE,J.
DATED : 10/10/2007

P.C. :-

1. Heard learned Advocate for the Appellant.

2. Perused the papers.

3. Appellant-the original Plaintiff has filed the present appeal against the order passed below Exh-5 in Special Civil Suit No.63 of 2007 whereby the defendant Nos.1,3 and 4 were restrained from alienating the suit property and creating any third party interest till the disposal of the suit but rejected prayer for temporary

injunction restraining defendants from disturbing Plaintiff's possession of the suit property.

4. Defendants have in fact challenged the agreement to sale relied by the Plaintiff. However, the learned Trial Judge has observed that whether the agreement is genuine or not can be decided only after full trial and prima facie the agreement in question has to be read in favour of Plaintiff. The point as to whether the executant namely Akkatai had a right to execute the agreement will be decided at the time of final hearing, till then, it is necessary to preserve the property and to avoid multiplicity of proceedings. Considering these aspects, the learned Trial Judge has observed that Plaintiff has made out a prima facie case for granting temporary injunction restraining defendants from alienating the suit property. There is nothing on record to indicate that the discretionary relief granted by the Trial Court is not in accordance with law or that the same is not borne out from the material on record. When such is the position, there is no need for this Court to interfere with the discretionary relief granted by the Trial Court. In

this view of the matter, there is no substance in this appeal.

Appeal is dismissed in limine.

(S.R.SATHE,J.)